

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: David N. Krag

APPLICATION NO.: 09/815,393

FILED: March 22, 2001

FOR: **SYSTEM AND METHOD FOR  
BRACKETING AND REMOVING TISSUE**

EXAMINER: Jessica R. Baxter

ART UNIT: 3731

CONF. NO: 5450

**Information Disclosure Statement After First Office Action but  
Before Final Action or Notice of Allowance – 37 CFR 1.97(c)**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, whichever occurs first. The references listed on the enclosed Form PTO/SB/08A may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information☐ Copies of the following references are enclosed:

- ☐ All cited references
- ☒ References marked by asterisks
- ☐ The following:

☐ Copies of the following references can be found in parent U.S. Application No. 09/078,982 :

- ☐ All cited references
- ☒ References not marked by asterisks
- ☐ The following:

☐ The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of

a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

- ☐ All cited references
- ☐ References marked by ampersands
- ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 CFR 1.97(c)) or Certification (37 CFR 1.97(e))

- ☒ Applicant elects to pay the fee under 37 CFR 1.17(p) \$180.00.
  - ☒ Check enclosed for \$180.00.
  - ☐ Please charge the above fee(s) to Deposit Account No. 50-0665 this paper is provided in triplicate.
- ☐ Applicant submits that no fee is due in light of the following certification under 37 CFR 1.97(e) (check only one):
  - ☐ In accordance with 37 CFR 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or
  - ☐ In accordance with 37 CFR 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c), more than three months prior to the filing of this statement.

- ☒ Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 CFR 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. §1.704(d).

Respectfully submitted,  
Perkins Coie LLP

Date: 18 Sept 02

  
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